



DEPARTMENT OF EDUCATION

34 CFR Chapter II

Final Waiver and Extension of the Project Periods for the  
Equity Assistance Centers Grant Program

AGENCY: Office of Elementary and Secondary Education  
(OESE), Department of Education.

ACTION: Final waiver and extension of project periods.

SUMMARY: The Secretary waives the requirements in the  
Education Department General Administrative Regulations  
that generally prohibit project periods exceeding five  
years and project period extensions involving the  
obligation of additional Federal funds. The waiver and  
extension enable four projects under Assistance Listing  
Number (ALN) 84.004D to receive funding for an additional  
period, not to exceed September 30, 2022.

DATES: The waiver and extension of the project periods are  
effective [INSERT DATE OF PUBLICATION IN THE FEDERAL  
REGISTER].

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(TDD) or a text telephone (TTY), call the Federal Relay  
Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Background:

On July 18, 2016, the Department of Education (Department) published in the *Federal Register* (81 FR 46820) a notice inviting applications for four projects for fiscal year (FY) 2016 under the Equity Assistance Centers (EAC) program, authorized under title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c-2000c-2, 2000c-5.

The purpose of the EAC projects is to provide technical assistance (including training) at the request of school boards and other responsible governmental agencies in the preparation, adoption, and implementation of plans for the desegregation of public schools, and in the development of effective methods of coping with special educational problems occasioned by desegregation. Desegregation assistance, per 34 CFR 270.4, may include, among other activities: (1) dissemination of information regarding effective methods of coping with special educational problems occasioned by desegregation; (2) assistance and advice in coping with these problems; and (3) training designed to improve the ability of teachers, supervisors, counselors, parents, community members, community organizations, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. All four EAC projects provide technical assistance (including

training) in all four of the desegregation assistance areas: race, sex, national origin, and religion. A table listing the FY 2016 EAC projects follows.

<b>FY 2016 Awards Under ALN 84.004D</b>	<b>Project Information</b>
S004D160012	Mid-Atlantic Equity Consortium Bethesda, MD Project: Center for Education Equity
S004D160005	Intercultural Development Research Association San Antonio, TX Project: IDRA Equity Assistance Center South
S004D160011	Indiana University Indianapolis, IN Project: Midwest and Plains Equity Assistance Center
S004D160004	Metropolitan State University of Denver Denver, CO Project: Western Educational Equity Assistance Center (WEEAC)

The EACs' project periods started on October 1, 2016 and will end on September 30, 2021.

On January 13, 2021, the Department published in the *Federal Register* (86 FR 2653) a notice inviting applications for an FY 2021 EAC competition (FY 2021 NIA).

However, as the effects of the COVID-19 pandemic unfolded and as learning recovery and school reentry efforts intensified, the Department sought to ensure the continuity of services provided by the FY 2016 EAC projects to vulnerable populations, schools, and school districts across the country. The Department also sought to ensure that the next EAC grant competition is, to the extent statutorily permitted, aligned with the Biden Administration's policy directives, including, for example,

the Executive orders and memorandum included in the table below.

<b>Title of Policy Directive</b>	<b>Date Signed by President Biden</b>
Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government	January 20, 2021
Executive Order 13988: Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation	January 20, 2021
Memorandum: Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States	January 26, 2021
Executive Order 14012: Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans	February 2, 2021

To ensure the continuity of services, and to allow the Department the opportunity to consider how best to align the EAC program with these Executive orders, to the extent statutorily permitted, the Department published on March 4, 2021 in the *Federal Register* (86 FR 12664) a notice withdrawing the FY 2021 NIA and cancelling the FY 2021 EAC competition. On March 25, 2021, the Department published in the *Federal Register* (86 FR 15829) a notice of proposed waiver and extension, in which it proposed to waive the requirements in the Education Department General Administrative Regulations that generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. The proposed waiver and extension would enable the four FY 2016

EAC projects to receive funding for one additional period, not to exceed September 30, 2022.

Public Comment: In response to our invitation of public comment in the notice of proposed waiver and extension, one party submitted a responsive comment. An analysis of the comment follows.

Comment: One commenter stated that three of the four FY 2016 EAC projects should not receive a waiver and extension because they have not demonstrated transparency and results related to their work in the EAC program. With respect to one of these projects, the commenter cited transactions that it contended constituted conflicts of interest or created the appearance of fiscal impropriety.

Discussion: The Department encourages the commenter to visit the Department's EAC performance webpage, located at <https://oese.ed.gov/offices/office-of-formula-grants/program-and-grantee-support-services/training-and-advisory-services-equity-assistance-centers/performance-training-and-advisory-services-equity-assistance-centers/>, to find current performance data for the four FY 2016 EAC projects. In accordance with the applicable requirements for continuation funding in 34 CFR 75.253, the Department monitored and reviewed the performance of the FY 2016 EAC projects, which, included, where appropriate, examining allegations of potential conflicts of interest and fiscal impropriety, and determined that all FY 2016 EAC projects

demonstrated that they made substantial progress in achieving the goals and objectives of their grants, and in meeting their performance measures and targets within the scope of their approved projects. The Department also notes that all FY 2016 EAC projects have made their most recent single audits publicly available, in accordance with Federal grant regulations. Accordingly, the Department has concluded that continuation of the projects is in the best interest of the Federal Government.

Changes: None.

Final Waivers and Extensions:

The Department believes it is in the best interest of the public to extend the current EAC project periods for one year. Correspondingly, the Secretary waives the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, as well as the requirements in 34 CFR 75.261(a) and (c)(2), which permit the extension of a project period only if the extension does not involve the obligation of additional Federal funds. The waiver will permit the Department to issue a FY 2021 continuation award to each of the four currently funded EAC projects, as estimated in the table below.

Project Information	Estimated Amount
Mid-Atlantic Equity Consortium Project: Center for Education Equity	\$1,640,562
Intercultural Development Research Association Project: IDRA Equity Assistance Center South	\$1,641,567
Indiana University	\$1,607,310

Project: Midwest and Plains Equity Assistance Center	
Metropolitan State University of Denver Project: Western Educational Equity Assistance Center (WEEAC)	\$1,642,170

Please note that the Department is not bound by the estimates in this table.

Any activities carried out under these continuation awards must be consistent with the scope and objectives of the grantees' applications as approved in the FY 2016 competition. The requirements for continuation awards are set forth in 34 CFR 75.253.

Regulatory Flexibility Act Certification:

The Secretary certifies that the waiver and extension of the project period would not have a significant economic impact on a substantial number of small entities. The only entities that would be affected by the waiver and extension of the project period are the current grantees. The Secretary certifies that the waiver and extension would not have a significant economic impact on these entities, because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995:

This notice of final waiver and extension of the project period does not contain any information collection requirements.

Intergovernmental Review:

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides notification of our specific plans and actions for this program.

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*Deputy Assistant Secretary for  
Policy and Programs  
Delegated the Authority to Perform  
the Functions and Duties of the  
Assistant Secretary,  
Office of Elementary and Secondary  
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